

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

Civil Action No. 04-CV-11610-RGS

UNISYS CORPORATION,

Defendant

PLAINTIFF'S MOTION FOR LEAVE TO AMEND EXHIBIT LIST

Plaintiff Visible Systems Corporation ("Visible") hereby moves the Court for leave to amend Plaintiff's List of Exhibits to be offered at trial, to which Defendant reserves the right to object, by adding the exhibits enumerated herein, for the following reasons: (a) eight of the exhibits are emails that were produced by Defendant Unisys Corporation late in the day on July 13, 2007 pursuant to Magistrate Judge Bowler's order of July 12, 2007; (b) five exhibits were previously listed by Defendant in exchanges of tentative exhibit lists between counsel and are now being held in reserve by Defendant pending resolution of motions in limine, and Visible wishes to ensure its ability to use such exhibits in all events, and (c) the remainder of the exhibits were inadvertently omitted as a result of the complexity of the case and time urgencies on July 13, 2007; all of this last category of documents are production documents of Defendant, so that Defendant has long been aware of them and is not prejudiced by this addition.

Category (a) documents are:

MD – Email Chain, Raftery to Wright et al. 12/18/2005

ME – Email Chain, Raftery to Wright et al. 10/14/2005

MF – Email Chain, Roberts to Wright et al. 06/19/2005

MG – Email Chain, Kraft to Hunter, Strain, Johnston, Jennifer, McMahon, Fanelli, and Wright et al. 08/21/2006

MH – Email Chain, Wright to Ollinger, Antenozzi, and McMahon et al. 08/21/2006

MI – Email Chain, Wright to Antenozzi and Kraft et al. 08/20/2006

MJ – Email Chain, Wright to Kane et al. 12/14/2005

MK – Email Chain, Badler to Wright and Raftery et al. 08/19/2004

Category (b) documents are:

Not Agreed – Held in Reserve for Possible Later Addition by Defendant

ML – Depo ex. 253 Pito Content History

MM – Unisys 8059, Unisys Letter Submitting PQQ to PITO

MN – PITO PQQ

MO – PITO Letter to Visible 07/26/2004

Agreed – Held in Reserve for Possible Later Addition by Defendant

MP – Unisys' 8922

Category (c) documents are:

MQ – Unisys 6615-6625, Right Time Visible Bank Preso

MR – Unisys 6692-6693, Email from Edwards to Till

MS – Unisys 6784-6794, Till Ex. 3, Enterprise Architecture Framework Demonstration

MT – Unisys 6804-6808, Till Ex. 4, Enterprise Architecture Workshop

MU – Unisys 6866-6884, Till Ex. 7, Data Governance and Stewardship

MV – Unisys 6973-6986, Till Ex. 12, EA Tool Demonstration

MW – Unisys 7616-7630, Till Ex. 22, PITO Table

MX – Unisys 7778-7798, Till Ex 28, Supplier Appraisal Questionnaire

MY – Unisys 8059-8060, Letter from Till to Conyard

MZ – Unisys 8066, Email from Puvvada to Till

NA – Unisys 0888, Email from Till to Ciampa

Wherefore, Plaintiff Visible respectfully requests leave of this Court to grant leave to amend

Plaintiff's list of exhibits to be offered at trial, to which Defendant reserves the right to object.

Certificate of Conference of Counsel

Undersigned counsel conferred by telephone with counsel for Defendant on July 16, 2007, who stated he had no objection to adding the exhibits to Plaintiff's exhibits to which Defendant reserves the right to object at trial. Defendant counsel requested a list of the above exhibits, which the undersigned sent him on July 16, 2007.

Plaintiff,

VISIBLE SYSTEMS CORPORATION,
By its attorneys,

/s/Stephen H. Galebach
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July 18, 2007

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

July 18, 2007

/s/ Stephen H. Galebach
Stephen H. Galebach